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*Edward Ellice and the Decision for  
Self-Government, 1839*

Such a title might provoke two questions: "Who was Edward Ellice?" and "What happened in 1839 that constituted a decision for self-government?" In part, this paper will attempt to provide some answers to those questions; in so doing, I trust it will also shed some light on the larger topic — the relationship between British business interests and "imperial policy."

Donald Creighton reminded us, in his study of "The Victorians and the Empire," that "Englishmen were accustomed to explain that they acted for the welfare of the colonist, when what they really and very sensibly did, was to act in the interests of Englishmen."<sup>1</sup> This in turn invites one to ask, in behalf of what 'interests' and which 'Englishmen' was imperial policy designed? Edward Ellice (1783-1863) was clearly one of the latter, and his whole career revolved around a variety of "imperial" interests. A brief introduction is thus in order.

"Bear" Ellice — so-called because of his financial wizardry — derived his interest in North America through early involvement in the family's business, a hugely successful commercial empire based on the fur trade and headquartered in London, Montreal and Albany.<sup>2</sup> Extensive landholdings in New York state and the Canadas, including the seigneurie of Beauharnois, also passed into his hands after his father's death in 1805. Young Edward soon thereafter became the principal figure in the family firm, and a leading merchant-banker in 'The City.'

Possessing the requisite education and great wealth, Ellice successfully wooed and wed Lady Hannah Grey in 1809; he secured thereby an effective entree to the British aristocracy. As a member of one of the leading Whig families, he embarked upon a political career with his election to Parliament in 1818, where he represented the freehold borough of Coventry (except for a brief interlude in the late 1820s) until his death. He served formally in only two administrations — as Secretary of the Treasury under Grey (1830-32) and as Secretary-at-War under Melbourne (1832-34). Both Prime Ministers entrusted him with the demanding tasks of chief election manager and party

whip. Subsequently, Ellice refused to take office, but instead played the role of 'Nestor' to the Whig and Liberal parties. Even Tory ministers frequently sought his advice on matters where his expertise was most manifest: finance, trade, defence, and foreign affairs. In most instances, his opinions reflected the precepts of classical liberalism; his efforts to promote freer trade, colonial economic development, and gradual imperial devolution, together with political and economic reform at home, marked him as a "Radical Whig."

Three principal assets gave Ellice, in my judgment, almost unique influence upon the reformulation of British policy towards North America after 1820: (1) His knowledge and understanding of the North American situation was unmatched among his British contemporaries; (2) he had a large and sustained incentive — viz. a gross personal income from North America that eventually reached some £20,000 per annum — which insured that nothing of importance affecting North America went unnoticed in London; and (3) he enjoyed unusual political leverage, by virtue of his wide-ranging contacts upon which the Cabinet relied to hold the shaky Whig coalition together, and which he repeatedly employed to pressure the ministry to deal with the evolving Anglo-American-Canadian relationship. Perhaps at no point in his career did Ellice more fully utilize these attributes than in the late 1830s.

As the Victorian era opened, the Melbourne government struggled to maintain itself in office, confronted as it was by demands for further political reform and by the social and economic upheaval of mounting industrialization and urbanization. Across the Atlantic, increasing pressures for more representative government and threats of colonial disintegration, inviting the spectre of absorption by the United States, seemed likely to produce a crisis serious enough to topple the administration and tar the Whigs forever with the shame of having "lost" a part of the Empire. Some have argued that this crisis was resolved because Melbourne's ministry — guided by such "firmly held principles" as retrenchment and economy, religious toleration, and a commitment to a measure of colonial self-government and administrative reform — appointed Lord Durham and adopted his famous *Report on the Affairs of British North America*.<sup>3</sup> Helen Taft Manning, for instance, concluded that "the best explanation for the survival of the British Empire" lay in "the courage and sense of responsibility" displayed by the Whig ministers.<sup>4</sup> Though a strong case can be made for the central importance of the decisions taken in 1839, the evidence I have seen scarcely supports such a benign or providential interpretation of the motives or actions of those involved.

The two decades preceding the rebellions of 1837-38 comprise a period fraught with difficulties and growing internal friction in both Canadas: the rate

of economic growth seemed unsatisfactory, the political arrangements inadequate, the hoped-for social cohesion illusory. In short, whatever one's outlook or position, experience fell far short of expectations; there were any number of grievances around which dissenting opinion might polarize. It has been argued that Britain responded to the deteriorating situation from the implicit assumptions that "the disruption of the empire could only be avoided by a firm maintenance of authority" and that "this was only possible if the governor and his advisors were kept independent of popular control."<sup>5</sup> Yet the fumbling inconsistency with which this principle was applied (if that is the right word) only served to make matters worse.

As early as 1822, and at the urging and instigation of Edward Ellice, Britain proposed to unite the Canadas, hoping to eliminate one source of discontent. However, pressed in Parliament on other matters, the government soon abandoned the bill and thus further aggravated the situation.<sup>6</sup> In 1828 and again in 1834, Select Committees of the House of Commons, appointed to investigate Canadian affairs, produced no substantive results. Despite insistent demands from many quarters, including Ellice, for prompt action, the government delayed and temporized. When Melbourne's cabinet finally reached a decision in November, 1834, in accordance with Ellice's advice, it was forced from office before anything could be done.<sup>7</sup> Returning to power in 1835, Melbourne finally agreed to send a Special Commissioner to investigate and recommend appropriate legislation for the troubled colony. Ellice refused this appointment, which was then accepted by Lord Gosford; he likewise rejected a plea the following year to take the Colonial Office out of the hands of Lord Glenelg. In both instances Ellice felt that his colleagues were not yet ready to accept his advice, let alone act upon it. In any case, the controversy that he was sure would erupt over his conflict-of-interest would render him ineffective.<sup>8</sup> Instead, in 1836 Ellice journeyed privately to Canada and the U.S., ostensibly to look into his own affairs there. He employed this excellent opportunity to acquire first-hand knowledge of the problem, an invaluable advantage in the next few years.

During the summer of 1837, Lord Durham's appointment as Governor-General was first proposed in the Cabinet. He was to be given the power to decide, once and for all, what amendments ought to be made to the provincial constitution as an essential prerequisite to further reform. Lord Melbourne defined the necessity of doing so in quite revealing terms:

It has long been evident that not only the Government, but the country, is subject to daily increasing embarrassment from the present state of affairs in Lower Canada, and consequently in all the British North American possessions. The final separation of those colonies might possibly not be of material detriment to the interests of the mother country, but it is clear that it would be a serious blow to the

honour of Great Britain, and *certainly would be fatal to the character and existence of the administration under which it took place . . . .* [Emphasis added.]<sup>9</sup>

Durham had just returned from St. Petersburg at Ellice's suggestion and speculation that he would enter the cabinet produced considerable comment in the press.<sup>10</sup> The Canadian mission — an idea evidently advanced by Viscount Howick — seemed attractive in part because of Durham's notorious independence, which promised that he could act on his own initiative to resolve the crisis. The state of domestic politics in Britain, however, provided a second, and equally if not more important, impetus: the Melbourne ministry faced increasing pressure for a number of "Radical" reforms, and Durham seemed likely to become the focus of anti-ministerial opinion if he remained outside the cabinet. Yet few if any of the other Whigs could comfortably work in a cabinet which included him! Thus, as Howick noted perceptively, the Canadian appointment would be a "plum" of inestimable worth, since Durham would be out of everyone's way, yet still "attached" to the ministry.<sup>11</sup>

The outbreak of the rebellions had the fortuitous consequence of playing into Ellice's hands as he tried to prod the cabinet to act. No longer could the administration pursue its dilatory policy and expect to successfully withstand the criticism in and out of Parliament. Whatever their impact in Canada, the revolts had a potentially disastrous one for the continued survival of Melbourne's government. Therefore, the cabinet moved ahead quickly with its effort to persuade Durham to go to Canada. After consulting Ellice, Durham finally accepted the appointment.<sup>12</sup>

This marked the beginning of Ellice's interesting and involved role in the Durham mission, an aspect of it long unexplored and one which Ellice himself tried to discount and obscure for political reasons. In fact, Ellice throughout acted as ex-officio advisor to Durham. Using as an intermediary Edward Ellice Jr. (1810-1880) who became Durham's private secretary, Ellice offered numerous suggestions as to the proper course of action. He also arranged Durham's passage, provided housing for him in Quebec, and wrote letters of introduction to assist Durham in his efforts in the colony. He encouraged Durham to pursue a moderate and "practical" course, to take counsel from, among others, Lafontaine, and to avoid at all costs "visionary republican" schemes.<sup>13</sup>

At the outset, Ellice intervened directly with the cabinet and in Parliament to insure that Durham have a relatively free hand in his mission, and that he not be bound to adopt the colonial suggestions for constitutional rearrangement. Ellice tried to make certain that this time Parliament

committed itself to reasserting the “imperial prerogative” after a long period of dissipation. Thus Durham’s instructions obligated the British government in advance to take action on its own initiative on those measures Durham would recommend.<sup>14</sup>

The importance of this prior commitment became evident when Durham’s mission soon floundered on the rocks of personal discord and alleged improprieties, despite Ellice’s efforts to preserve a viable working relationship between the cabinet and its mercurial Governor. When Durham, angry and embittered, returned to London at the end of 1838, Ellice’s effort bore fruit. He convinced Durham not to abandon his effort, but rather to proceed with the writing of the *Report*, and to insist that Parliament act upon it.<sup>15</sup> If the cabinet refused to respond positively and introduce appropriate legislation, Ellice indicated his determination to do so himself.<sup>16</sup>

If the Durham mission to Canada, by itself, did little more than provide a badly-needed breathing space for the Melbourne administration, the famous *Report*, as has been so often noted, presaged a decision of great long-term import. While this assertion accords with traditional interpretations, my reasons for advancing it differ substantially from those usually emphasized. According to conventional wisdom, the Durham *Report* provided the cabinet with an exhaustive (if flawed) treatise on the situation in the Canadas that served as a basis for subsequent action. The *Report* contained several specific recommendations which ostensibly laid the groundwork for Canadian self-government, eventual autonomy, and perforce, a transformed British Empire. A study of the derivation of the main ideas of the *Report*, and of the manner in which it was transmuted into actual policy, calls into question this view, and suggests an alternative explanation which gives a more convincing (I hope) rationale for the events of this critical year than either Durham’s wisdom or the altruism of the Melbourne government. It is to this that the paper now turns its detailed attention.

## I

The principal recommendations of Durham’s *Report* — political union and “responsible government” in a quite limited sense — actually began to take shape *before* Durham embarked for Quebec. Edward Ellice had in fact urged similar measures on the cabinet in January 1838, and on Durham as he prepared to sail. As his long speech in Parliament indicated, Ellice’s motives at that time reflected his fear of either civil war in the colony, or of American intervention: either or both seemed possible in the tense atmosphere immediately following the rebellions. Safeguarding British interests in the lower province, including his own property, was his main overt ambition, and

he knew that an argument couched in those terms would attract maximum support in the House. In letters to Howick and Lord John Russell, (copies of which he gave to Durham), Ellice outlined a rough draft for a union of the two Canadas, including the creation of Montreal and Quebec as "free cities." As an alternative, Ellice also entertained the notion of establishing a "congressional district" around Montreal, modelled after the District of Columbia, which would both house the capital of the united province and protect the interests of the English minority in Lower Canada.<sup>17</sup>

During the summer of 1838, Ellice also presented these proposals to Samuel Gerrard, John Beverley Robinson, and Louis Hippolyte Lafontaine: he sought to obtain some impression of the likely provincial responses. In writing to Gerrard, Ellice outlined his reasoning in the hope of being more persuasive. He noted the need for "reason and moderation" — advice which fell on deaf ears, for Gerrard was convinced of the need to "discipline" the French.<sup>18</sup> Then Ellice outlined the options he believed were open to the British government. Rejecting outright the prospect that the ministry could endorse the "permanent establishment of arbitrary government," Ellice could see only two other alternatives: either a union of the two provinces with almost unrestricted power residing with an English-dominated legislature, or, the re-establishment of "the old system of government in Lower Canada, providing absolutely for a civil list for the independent work of the executive government, and of the administration of justice, and deciding summarily on the two or three disputes [then outstanding] between the ways of [land] tenure, registry, etc."<sup>19</sup> If this second alternative were selected, Ellice reminded Gerrard that it must be "equitable" to both races and allow a free choice on such matters as holding and selling property. Further, provision would have to be made through British legislation to deal with such common (to both provinces) concerns as "currency, banking, incorporation of associations for railroads, canals and other public undertakings; regulation of navigation, commerce, etc.; the division of revenue arising from trade; and a superior court of justice or appeal, having the attributes of the supreme court in the United States."<sup>20</sup>

Ellice went on to say that he regarded the demands for such all-encompassing action by the imperial parliament, which was already overburdened by domestic problems, as impractical, unjust, and unlikely to be met. Therefore, he discarded this second alternative of restoring the old system with these amendments, and left Gerrard to draw the conclusion that some form of union was the only feasible solution. This being so, however, he also indicated that the proposal of a legislative union would also be unfair if it did not meet with "the cordial concurrence of all the people of either origin in both provinces." Therefore, it must fall to Parliament to enact at least enough

substantive legislation, "founded on equitable principles to both, and enforced with decision" to insure quiet satisfaction in all quarters. This alone could lead to the time when Canadian affairs could be decided in Canada, under the new system soon to be established. Otherwise, he insisted, the "connexion with the mother country" could not be maintained. Moreover, if that bond were broken precipitously, he warned, "the law of the strongest will prevail, and American government will succeed to English; but be assured the party bringing about that issue will have to lament its consequences the most."<sup>21</sup>

This, it might be noted, came from a man whose investments in New York had consistently proven more profitable than those in Canada, and who might therefore be expected to favour such annexation. On the contrary, Ellice always regarded the expansion of the United States as a significant threat to Britain's commercial and strategic interests. Thus, preserving the "imperial connexion" and hence a British presence in North America figured prominently in his reasoning; this is confirmed by his simultaneous rejection of "a federation for any other purpose than those I have stated, and the important one of self-defence." To include the maritime provinces at this time would, in Ellice's view, have created a cumbersome and expensive mechanism without any natural advantages to recommend it. By comparison, the Canadas were irrevocably linked and in the interests of justice, expediency, economy, efficiency, and imperial preservation, a federal union of those provinces (protecting English interests by creating the "congressional district" around Montreal and Quebec City) seemed the best solution.<sup>22</sup>

Ellice expanded on these ideas in a series of communications with Durham, stressing again the general principles on which any "practicable" scheme for the future government must be founded. These included: "ample protection" in deeds as well as words, for the "pursuits and industries" of the English population of Lower Canada; some means of overcoming the obstacles to "the improvement of trade and agriculture" and the other ambitions of the minority which had been raised by the French majority in the Assembly; but also, some additional measures would be needed to protect the French from "the ascendancy of a vulgar English faction." He noted, "The antipathy of race will continue, — neither could submit quietly or contentedly to the ascendancy of the other — . . ."<sup>23</sup>

Ellice wrote directly to Durham on September 20, 1838, to discourage any attempt at a union of all the provinces.<sup>24</sup> He noted the absence of any common interests or sufficient sympathies to bind them together at that point. Moreover, he stressed the importance of enabling an independent governor to hold the balance of power between the contending factions in the Canadas, a



feat which would necessarily be more difficult if the other provinces were included. On the other hand, he suggested that if a re-establishment of imperial authority could be achieved by this balance, then most subjects could "safely" be left to the colonists to decide upon for themselves. Such controversial matters as land tenure and registration, and the rights of the established churches, might be exceptions to this principle that would have to be dealt with in London.

Ellice's advocacy of a federal union and congressional district met with a varied response. Lord Melbourne allowed that everyone seemed in favor of it, but expressed alarm at the possibility that it would be a "great step towards separation."<sup>25</sup> Also, he and most of his colleagues opposed the revival of the French-dominated assembly in Lower Canada which Ellice's plan would require. Other evidence confirms that racial animosity remained a critical factor: everyone sought a 'solution' which would ultimately lead to the elimination of French influence in Canada.<sup>26</sup> At the same time, should the ministry decide on measures too arbitrary or coercive, it risked potentially-fatal desertion from its ranks by the Radicals. Confronted by this dilemma, the ministry gave signs of hesitating. Ellice therefore vowed to take an independent line in the future if the cabinet failed to act promptly. Whether this threat, if carried out, would have succeeded, is open to question. Nevertheless, it served its purpose, for Melbourne wrote to Lord John Russell to inform him of the ultimatum from Ellice, and to say that the Government *must* finally move on the Canadian situation: failure to do so would prove equally fatal.<sup>27</sup>

In response, Russell wrote Ellice and asked him to draw up a formal proposal for future legislation, along the lines suggested to Durham.<sup>28</sup> Ellice complied, and submitted his "Suggestions for a Scheme for the Future Government of the Canadas." [Hereinafter, "Suggestions"]<sup>29</sup>

Ellice's "Suggestions" embrace several of the ideas for a federal union which he had been advocating since January. These drew some inspiration from the United States system, and included the creation of a central government, located at Montreal, with a bicameral legislature, a supreme court (with appellate jurisdiction over the provincial courts), and a single executive headed by a Governor-General. The boundaries of the two provinces would be redrawn, creating a "congressional district" in and around Montreal, with Quebec becoming a free city, and having both fall under the jurisdiction of the central government. Most of the powers of government would be lodged with the central government, and provincial powers were to be restricted to matters of purely local concern. His detailed description of the central legislature revealed his loyalties: Ellice proposed a

“congress” of 64 members elected equally from the two provinces, but with seats in Lower Canada specifically reserved for the English enclave in the Congressional District; and a “senate” of twelve members, under the chairmanship of one of the Lieutenant-Governors, and appointed in this way — six by the Crown, three each by the Upper Canada legislature and the Lower Canada council. In addition, electoral districts, drawn on the “Vermont” principle of giving greater weight to territory than to population, were designed to encourage settlement and “above all things to secure a reasonable share of the representation in Lower Canada to the British population . . .” To further protect English interests, Ellice added several specific suggestions as to the functioning of the new governmental machinery. First the central government ought to collect all revenue, pay all general expenses, and then divide any surplus “in some reasonable proportion” between the local governments. Second, all British claims to “Crown” and “clergy” reserves ought to be surrendered, in return for a guaranteed civil list and a stipend for the established churches. Any excess monies from the Crown lands should be diverted to the general revenue, while those from the clergy reserves could be applied for educational and religious purposes on a non-sectarian basis. Third, the central government was to assume the existing provincial debts, and to extend a further million pounds for the improvement of the St. Lawrence canal system. Fourth, all legislative and judicial proceedings of the central government ought to be conducted in English. Finally, in accordance with British tradition, all “money bills” ought to be entertained by the legislature only when endorsed by the Crown (i.e. the administration).<sup>30</sup>

Within his “Suggestions,” and in a covering letter, Ellice indicated that the proposal might serve as an intermediary measure looking towards a more centralized union. For example, he hoped that the provincial governments, with reduced “establishments” and limited powers, would eventually become unnecessary except as municipal administrative arms of the central government. Moreover, to enhance its supremacy, the central government was to be the sole liaison with the Colonial Office. With reference to such future changes and to details such as the qualifications for electors and electees, Ellice sought to create a delicate balance between colonial public opinion and what he liked to term the “imperial prerogative.” Such a balance he regarded as essential to resolve the debilitating racial antagonism prevalent in the colony.<sup>31</sup>

Ellice undoubtedly discussed his “Suggestions” in detail with Durham when they met January 6 and 7, 1839, attempting to persuade him to adopt them as the basis for his *Report*.<sup>32</sup> He was still endeavoring to discourage Durham from proposing a democratically-structured general confederation for

all the colonies, an idea advanced by Roebuck and Buller, and reputedly incorporated into an early draft. Ellice's objections to such a proposal centered around the impracticality of the idea in the existing crisis. He admitted that, ultimately, such unification might have desirable results, but rather than achieving the quick solution then called for, it would require further consultation with all the colonial legislatures, requiring inevitable delays. Moreover, with little expectation that those bodies would assent, Ellice correctly viewed Buller's plan as utopian and unworkable.

Durham completed his *Report* in the three weeks following the meeting with Ellice. Persistent rumors that Durham himself wrote little if anything of the *Report* have generally been discounted and disproved.<sup>33</sup> On the other hand, if there is now little doubt as to its authorship, relatively little attention has been given to what inspired Durham's major recommendations. Chester New, in the standard work on the mission, argued that Durham alone deserved credit for the proposals contained therein.<sup>34</sup> Others have traced the impact of Buller, Roebuck and John Harvey on the federation idea, while Durham's support for "responsible government" allegedly arose from a letter of Robert Baldwin.<sup>35</sup> One name conspicuously, and I believe erroneously, absent from the discussion has been Edward Ellice.

New's only comment on Ellice's role in the drafting of the *Report* is a passing reference to the meeting in January, and a letter from Ellice dated January 8. New argued that Ellice's only "direct influence . . . was in the direction of confirming a decision which Durham had already made to recommend the *legislative* [emphasis added] union of Upper and Lower Canada . . ."<sup>36</sup> This seems inconsistent with Ellice's advocacy of the *federal* idea since early 1838, with a "trial balloon" floated in *The Observer* on December 21, 1838 reporting Durham's decision to recommend the creation of *three* provinces in Canada along lines suggested by Ellice three days earlier, and with Durham's inclusion, in the final language of the *Report*, of Ellice's objections to an immediate all-inclusive federation of British North America.<sup>37</sup>

However, New's confusion seems to go deeper. To be sure, the *Report* did not explicitly contain Ellice's federal plan, and did in fact call for a legislative union. But the nature of the system which Durham intended for the united provinces of Canada embodied the principles Ellice had promoted. Durham's so-called legislative union, as presented in the *Report*, would in fact have created a federal structure! Durham anticipated that the united legislature would deal with all matters of common concern, such as revenues and public works, where its jurisdiction would be exclusive and its power paramount.<sup>38</sup> Durham's proposed local governments would handle all local

matters, through elective bodies and "district" (municipal) councils.<sup>39</sup> Ellice had envisaged somewhat greater powers for his central government, but in orientation and purpose, the two proposals were basically similar. Semantic discrepancies apart, Ellice's "federal" and Durham's "legislative" unions are virtually indistinguishable. In light of Ellice's close connection with the mission, and his longstanding relationship with Durham, it seems reasonable to suggest that this major recommendation of the *Durham Report* owes its origin in some measure to Edward Ellice.

Subsequent events have coloured Durham's other major recommendation — that "executive responsibility" be insisted upon. It has even been misinterpreted to imply that Durham prescribed self-government for the colony in 1839. On the contrary, for Durham "responsible government" meant the principle that the colonial executive be aware of, and informally guided by, popular opinion as reflected in the elected assembly. However, the numerous restrictions imposed on the legislative prerogative would inevitably prevent the colonial governmental machinery from being in any real sense a government which derived its authority from the governed. For example, the *Report* urged that supply (money) bills and appropriations be brought forward only with the prior sanction of the Governor. Similarly, the legislature was to guarantee *a priori* an adequate civil list to cover administrative and judicial officials.<sup>40</sup> Both requirements would effectively negate the fiscal responsibility necessary to institute truly autonomous cabinet government. Durham's proposal that the Governor have discretionary authority to suspend the writs of election in the lower province constituted another limitation on responsible government.<sup>41</sup> (Ellice warned Durham that such arbitrary interference could not be sustained, and the notable lack of specificity on how it might be done suggests that Durham was not really committed to such a course of action.) Finally, Durham's *Report* placed another roadblock in the way of immediate self-government, when it proposed exempting the Governor and his executive secretary from any responsibility *vis à vis* the legislature and making them instead responsible only to the imperial Parliament.

Each of these limitations on the idea of responsible government for the colony had appeared in Ellice's "Suggestions". They were consistent with his argument that, in the present circumstances, an "equitable" balance had to be maintained between British authority and colonial autonomy. On the questions of fiscal responsibility, the civil list, and the creation of a single general executive and legislature, and a supreme court of appeals, Ellice had explicitly recommended what Durham subsequently proposed. In the legislative arrangements, the election of representatives, and the channel of authority for the governor and lieutenant-governors that he advocated, Ellice likewise implied the direction which Durham's *Report* did in fact take.

Other recommendations embodied in the *Report* can similarly be traced to Ellice's "Suggestions". For example, both insisted on the need for some measure of anglicization, with the same notable exception of acting to preserve the position of the Roman Catholic church as a barrier to pressures for radical reform.<sup>42</sup> Also, both argued that the imperial government should temporarily retain control of public land policy, and that the reserves should be abolished.<sup>43</sup> Both Durham and Ellice advocated measures to induce immigration in order to simultaneously foster economic growth and reduce the extent of French influence.<sup>44</sup> Both identified the need to reduce the colonial 'establishment' as much as possible, and to curtail the much-abused patronage system.<sup>45</sup> Finally, both stressed the desirability of further public improvements, especially the canal system, to enhance the development of the colony and consolidate its position in North America.<sup>46</sup> In short, almost nothing of importance recommended in Durham's *Report* had not previously appeared in Ellice's "Suggestions." While Ellice's three-page proposal can scarcely be expected to provide all the detail of Durham's book-length *Report*, the former document deserves to be recognized as an important inspiration for the principal ideas contained in Durham's proposals. Clearly, Durham can hardly be considered "alone" in his understanding of the Canadian situation, nor "original" in the "innovations" he supported.<sup>47</sup>

## II

The completion of the Durham Report, which was submitted on January 31, constituted but a first step towards the enactment of substantive legislation. When the Cabinet still seemed hesitant about how to proceed, sections of the *Report*, printed in *The Times*, forced the ministry's hands: it formally presented the *Report* to Parliament on February 11. I suspect, though I cannot prove, that Ellice leaked the *Report* to the press: his motives, and his close connection with the editor, lend some support to this contention. Moreover, the simultaneous resignation (or dismissal?) of Glenelg adds further credence to the view that Ellice played an active covert role. (Ellice had repeatedly implored Melbourne to replace his ineffective colonial secretary, who seemed constitutionally incapable of acting without outside pressure being applied.)<sup>48</sup>

The response to the appearance of the *Report* confirms the importance of domestic political considerations in the formulation of imperial policy. As Grace Fox has shown, only the political controversy surrounding Durham and the cabinet produced any significant reaction. Few comments on the *Report per se*, or on its implications for Canada, appeared in the press.<sup>49</sup> Recognizing this situation, and hoping to utilize Tory pressure, Ellice sent a copy of his proposals to E.G. Stanley, and communicated their essential details to Peel

and Graham. Stanley noted disingenuously, "We feel as you do, that this can be no party question. It is much too serious." On the contrary, because of the seriousness, party politics could not be disregarded.<sup>50</sup>

As requested, Ellice submitted a formal copy of his "Suggestions" to Melbourne on February 24; it was ordered to be printed for cabinet consideration.<sup>51</sup> In the accompanying letter, Ellice argued for the merits of his ideas, and criticized some of Durham's notions. He agreed, however, to assist with the preparation of detailed legislation.<sup>52</sup> For a month, the cabinet wrestled with the problem; Ellice met with Russell, Melbourne, and Normanby, the new colonial secretary.<sup>53</sup> At the latter's behest, Ellice sought out Chief Justice John Beverley Robinson again, to secure more colonial input.<sup>54</sup> Finally, on March 25, the cabinet settled on the principal points of its legislation, and ordered a draft bill, "mainly founded on Ellice's project", to be printed. Thus the Melbourne government came very close to adopting Ellice's views.<sup>55</sup>

Four days later, however, it reversed itself, and substituted a scheme presented by Lord John Russell.<sup>56</sup> Russell's motives are unclear, but judging from the insubstantial objections he raised to the Ellice plan, they seem to reflect personal animosity and/or a fear that Ellice might enhance his political position at Russell's expense. Interestingly, Russell alleged that the chief defect in Ellice's suggestions lay in the potential erosion of imperial authority which they presaged — a telling comment on the thinking of the man who, in his wisdom, is said to have conceded self-government to the colonies.<sup>57</sup> Instead of the March 25th bill, Russell now proposed that in Lower Canada the Special Council created in 1838 continue to exercise arbitrary power for three more years, during which time appointed Commissioners could arrange a legislative union to be sanctioned by Parliament. He intimated that the pre-1791 machinery would be the best basis for the reconstituted government.<sup>58</sup> The cabinet accepted this attempt to put off once again a final solution.

Notwithstanding ministerial assurances of prompt legislative action, two months passed before Russell, unable to delay further, introduced two resolutions in the House of Commons to give effect to his March 29 proposals. He indicated that provisions would be made, via Colonial Office instructions, for the establishment of elective local councils and to grant control of the revenue to the assembly in exchange for a guaranteed civil list. Members of the assembly and executive officials were, by the same means, to be appointed to the Legislative Councils. He explicitly denied the possibility of introducing the principle of responsible government.<sup>59</sup>

Not surprisingly, Russell's resolutions were not well received. Radical M.P.s and even some moderate Whigs like Howick protested their arbitrary and imprecise nature.<sup>60</sup> The Tory opposition, sensing an opportunity to unseat the government, threatened to divide the House. In this volatile situation, Ellice urged that the Cabinet create a select committee of the whole to reconcile existing differences of opinion, inasmuch as it seemed incapable of carrying formal legislation safely.<sup>61</sup> He regretted such a delay, but argued that it was the easiest, and possibly only, means of proceeding.<sup>62</sup>

Under pressure from Ellice, Peel and Stanley, Russell withdrew his resolutions on the floor of the House, and introduced a bill to continue the existing special powers until 1842 with some amendments. He then introduced a second measure, which called for the establishment of a "central district at Montreal and its neighbourhood, in which the government should be carried on and where the assembly should meet" when a union should ultimately be arranged. In addition, municipal subdivisions were to be created for taxation and local administrative purposes; of the 98 members in the new assembly, the four largest towns were to return two members each.<sup>63</sup>

The first bill passed only with difficulty, as the government came within 18 votes of defeat at one point; it finally received Royal Assent in August.<sup>64</sup> However, the ministry was so embarrassed by the evidence of its ineffectiveness that it suggested that a final measure on the question of union be brought in only after a new governor had been sent to Canada to induce agreement on the form of union deemed best by the colonists. Thus the second bill, reminiscent of Ellice's scheme, was allowed to lie on the table.<sup>65</sup>

Ellice, incensed and dismayed at this ineffectiveness, refused to abandon his Whig ties, even though he felt too many desired only to be secure "in the enjoyment of their loaves and fishes."<sup>66</sup> At least the Whigs offered some opportunity to effect change and to respond to the popular will, which the Tories did not, and the Radicals could not, do. In addition, having no where else to turn, Ellice apparently hoped that what could not be achieved through legislation might be accomplished by executive action. Thus the appointment of the new governor became as important a matter for him as for the cabinet. On July 16 he reported that Abercromby had declined the commission and that Charles Poulett Thomson would be asked to accept it. He also noted that, as with Durham, the cabinet would rejoice in being able to rid itself of another troublesome figure: by sending "Pow" to Canada, the ministry avoided making him Chancellor of the Exchequer as had been expected.<sup>67</sup>

On August 4, Thomson wrote a long letter to Ellice, announcing his tentative acceptance of the Governorship, but requesting Ellice's "advice and

assistance'' before firmly committing himself. He pointed out that he would ''look to [Ellice] more than to any of my colleagues who have their attention too much distracted by other matters.''''<sup>68</sup> Ellice's reply has not been preserved, but it is evident he was pleased to endorse Thomson's appointment, and that he did provide substantial advice. Thomson, like Ellice a merchant-banker with special interests in overseas trade, shared similar views with his mentor on a number of domestic issues, and on Canada; these differed from those of many other Whigs. Receiving Ellice's reply, Thomson wrote that ''it [would] guide me in all my conduct there, and I was happy to think there was not an opinion . . . to which I do not subscribe and am prepared to act upon.''''<sup>69</sup>

Fortunately, some indication of Ellice's views are found in his correspondence with Howick in August, 1839. Therein he adopted the view that the situation in Upper Canada was then critical, and that unless stability and prosperity could be restored there, the colonists might opt for independence, and the Whigs would find themselves deserted in Parliament. As a partial remedy, Ellice endorsed and suggested to Thomson that a substantial loan be made to ease the debt burden and to complete the canal system, with the proviso that the colonists agree to accept comprehensive reforms in the system of government and to resolve all outstanding disputes. Ellice regarded the task as especially formidable because of Thomson's need to reconcile the diverse opinions while maintaining his own independence. To this end, Ellice urged Thomson to insist upon clear, specific and producible instructions from the cabinet to justify his course of action: Ellice feared lest Thomson, like Durham, find the rug pulled out from beneath him by subsequent cabinet vacillation.<sup>70</sup>

In late August, Lord John Russell replaced Normanby, and officially announced Thomson's appointment. He immediately asked Ellice for comments on the instructions to be issued for the new Governor, indicating in his letter that he (Russell) had moved closer to Ellice's views on the need to conform to colonial wishes.<sup>71</sup> Ellice responded to this long-awaited opportunity with two detailed letters outlining his views on the Colonial Office and on Canada. In the first, he drew attention to the necessity of the Colonial Office putting greater emphasis on public relations: ''in these days of increasingly popular power, if we will govern, we must a little study the arts of popularity.'' He also stressed the need for greater efficiency and despatch, and for firm direction from the center if the department wanted to perform its duties effectively.<sup>72</sup>

With reference to Canada, Ellice advised that ''the principle of union being determined upon, it is infinitely better to allow the people to settle for



themselves the conditions and provisions on which it may appear most expedient for the interests of both provinces to carry it into effect.” This might be done, he continued, by securing similar addresses from both provinces, with the barest minimum of unresolved differences upon which the imperial parliament would then legislate. A refutation of Russell’s previous objections to Ellice’s proposed federal union followed, and Ellice then reiterated the need to insist on a guaranteed civil list, and on restrictions on the right to initiate money bills. Thomson’s instructions embodied Ellice’s advice.<sup>73</sup>

Thomson’s governorship proved highly successful, in terms of its principal objective of securing the necessary support for union. This gave Melbourne’s cabinet the confidence to reintroduce legislation in March, 1840. Despite the abandonment of the federal concept he had favoured, Ellice approved of the new measure, which did contain most of the other provisions Ellice had sought.<sup>74</sup> Again using Tory leverage to assist him, Ellice successfully forced two amendments which gave additional representation to the urban centres, and eliminated the local (municipal) councils originally proposed.<sup>75</sup> Thus amended, the Act of Union finally passed; as Ellice remarked, perhaps ironically, it was a “consolation to hear every suggestion one has made on the subject, and every principle on which one has advised them to act, at last adopted . . .”<sup>76</sup>

What was important, in Ellice’s view, was that finally a British government had acted to redirect and reinvigorate imperial policy. That the union differed in some details from either Ellice’s or Durham’s proposals did not seem immediately significant, although Ellice could later point out some of the pitfalls which might have been avoided if more care had been taken to heed his suggestions. The other pillar of the *Durham Report* — “responsible government” — had been abjured in principle even while it was being inaugurated in practice. Above all, the essential preconditions for colonial self-government and eventual autonomy had been achieved. Without the reassertion of Britain’s determination to resolve the crisis via the proposed union, internal collapse and/or absorption by the United States were likely. Without a union of the Canadas, no British ministry could permit the adoption of responsible government, placing an English minority at the mercy of a French majority. Without the introduction of responsible government, no satisfactory peaceful resolution of the long-term anomalies of the colonial situation could be achieved. (Though insufficient space prevents discussion of this perennial chestnut of Canadian historiography, the “struggle for responsible government” from Russell’s famous despatch of 16 October 1839 through Elgin’s reconstitution of the ministry in 1848 did follow a course Ellice had anticipated as early as 1836, and indeed reflected his influence directly and indirectly at a number of points.)

As I have tried to show, the ideas and actions of Edward Ellice played a significant role in charting the course of British imperial policy in 1838-1840. His constant pressure on the cabinet, his relationship with Durham and Thomson, and his "Suggestions" had a marked impact on the outcome. None among the decision-makers in London saw as clearly the depth and implications of the issues at stake, nor recognized the exigencies of the political situation, nor had the determination to take full advantage of them. Moreover, his intervention came at an important juncture. The 1830s saw the survival of the British Empire threatened by the deepening instability of domestic political relationships, by the incompleteness of Britain's industrial hegemony, and by persistent tension in foreign affairs. These underlying conditions might have proven fatal, given Radical pressure for "peace, retrenchment and reform," and general Tory indifference and opportunism. For the Whigs, the North American provinces represented the most vulnerable part of the empire: had they not been able to maintain themselves in office, and had they not found it expedient to employ a Durham and a Thomson, and had they lacked an Ellice to inform, to prod and to marshal the necessary votes, British North America might have ceased to exist. If so, when those provinces confronted American "Manifest Destiny" in the following decades, one may well ask what were the chances for Canadian self-government and self-preservation?<sup>77</sup>

In conclusion, to return briefly to some of the questions raised at the outset, I hope you now have at least an introduction to "the elusive Edward Ellice" and to the events of 1839. I have not given as much explicit attention to the "interests" of the British business community which Ellice might seem in part to represent, and for two reasons. First, Ellice's North American interests were, as far as I know, unique in their scope and diversity, and hence he may not be all that representative. There can be no doubt that his personal involvement influenced his thinking. Note, however, that Ellice's "entrepreneurial" ambitions in this period did not primarily revolve around a concern with immediate profits or power. Rather, he embraced a long-term view which stressed the need to retain Canada as an imperial outpost, and to enhance colonial economic and political self-competence in order to better resist encroachment from the United States. Inevitably, as Ellice recognized, this would produce a situation where the colonists could and should manage their own affairs independently of Britain.

A second reason for not emphasizing the connection between business interests and imperial policy has been to avoid introducing the kind of conspiratorial machinations which such a formulation too often invites. This in my view would be just as misleading as the beneficent "Whig" interpretation. Rather, as the foregoing recapitulation suggests, the volatile

political situation in London created the opportunities which Ellice needed; significantly, his political position and his concern for the survival of the Whig government provide a more persuasive explanation for both his motives and his success than does economic self-interest.

If this conclusion is valid (and a fuller study of Ellice's career demonstrates its merits in my judgment) then both the formation of British imperial policy and the contribution of Edward Ellice can be cast in a new light. To some degree a visionary statesman, Ellice more importantly represented a new breed of politician for whom a pragmatic recognition of Britain's national interests and also a willingness to accommodate to the demands of a changing world together constituted the cardinal virtues. Others often resisted his liberalism, but in 1839 and ultimately in 1867 his ideas and hopes would see a measure of fulfilment.

## NOTES

<sup>1</sup> *Canadian Historical Review*, Vol. 19, (June, 1938), pp. 138-9.

<sup>2</sup> This brief sketch is drawn from J.M. Colthart, "Edward Ellice and North America," (Ph.D. thesis, Princeton University, 1971), Chapter IV, pp. 191-284, treats the period 1830-1841 in detail.

<sup>3</sup> Chester New, *Lord Durham's Mission to Canada*, ed. by H.W. Macready, (Toronto, 1963), pp. 167-8. This is a satisfactory abridgement of New, *Lord Durham, A Biography of John George Lambton, first Earl of Durham*, (Oxford, 1929). Hereafter, citations will be from the original work, and cited as New, *Durham*. C.P. Lucas, ed., *Lord Durham's Report on the Affairs of British North America*, (Oxford, 1912), hereafter, *Durham Report*.

<sup>4</sup> Manning, "The Colonial Policy of the Whig Ministers, 1830-37, Parts I & II," *C.H.R.*, Vol. 33, (Sept., Dec., 1952), pp. 203-36 and 341-68; and her "Colonial Crises before the Cabinet, 1929-35," *Bulletin of the Institute of Historical Research*, Vol. 30, (May, 1957), pp. 41-61. See also her "Who Ruled the British Empire, 1830-1850?," *Journal of British Studies*, Vol. 5, (1965), pp. 88-121.

<sup>5</sup> Edgar McInnis, *Canada, A Political and Social History*, (2nd rev. ed., Toronto, New York, 1962), pp. 208-9 is typical.

<sup>6</sup> Cf. Colthart, *op. cit.*, pp. 104-13 with William Ormsby, "The Problem of Colonial Union, 1822-28," *C.H.R.*, Vol. 39, (Sept. 1958), pp. 278-9; K.L.P. Martin, "The Union Bill of 1822," *C.H.R.*, Vol. 6, (March, 1924), pp. 44 and *passim.*; William Smith, "Sidelights of the Attempted Union Bill of 1822," *C.H.R.*, Vol. 2, (March, 1921), p. 38; for petitions, rough drafts and proposals, see Public Archives of Canada (PAC), MG11, Colonial Office 42, 193-5.

<sup>7</sup> Ellice to Gerrard, 22 November 1834, Ellice Papers, National Library of Scotland, Vol. 85, Item 68 (hereafter cited as E85/68). The PAC collection of Ellice papers, while substantial, is not complete; hence all references are to the originals in Edinburgh.

<sup>8</sup> Ellice to Lady Holland, [1836], Holland House Papers, British Museum Additional Manuscripts #51588/73 (hereafter HHP, B.M. Add. Ms. 51588/73).

<sup>9</sup> Melbourne to Durham, 22 July 1837, Lambton Papers (hereafter LP), Lambton Castle; q.v. New, *Durham*, pp. 312-13.

<sup>10</sup> Ellice to Durham, 28 May 1837, LP; Ellice to Lady Durham, 23 May 1837, LP; Ellice to Melbourne, 30 [May?] 1837, Melbourne Papers, Royal Archives, Windsor Castle, Box 102; Durham to Ellice, 27 Aug. 1837, E30/37.

<sup>11</sup> Howick to Ellice, 22 Aug. 1837 E22/27; Ellice to Durham, 25 and 29 Aug. 1837, LP; Durham to Ellice, 27 August 1837 E30/27.

<sup>12</sup> Durham to Ellice, 10 Jan. 1838, E30/48; Durham to Ellice, [Jan. 1838], E30/43; Durham to Grey, 15 Jan. 1838, Grey Correspondence, PAC, MG 24 A 10, Vol. 1, pp. 13-15; Grey Journal, entry for 15 Jan. 1838, p. 773; Melbourne to Ellice, 29 Oct. 1838, E28/96; Ellice to Grey, 17 Jan. 1838, Grey Papers, University of Durham (hereafter GP), 13/447; Ellice to Melbourne, [?] Jan. 1838, Melbourne Papers, Box 102.

<sup>13</sup> Ellice to Durham, [Jan. 1838], LP; Lafontaine to Ellice, 17 April 1838 and Ellice to Lafontaine, 19 April 1838, Lafontaine Papers, PAC, MG 24 B 14, Vol. 1, pp. 104 & 109; Durham Papers, PAC, MG 24 A 27, Vol. VI/1 pp. 342, 454, 561, contains copies of the Ellice-Lafontaine correspondence.

<sup>14</sup> Ellice, speech, House of Commons, 25 Jan. 1838, *Hansard*, III/40/493-8; Grey Journal, entry for 25 Jan. 1838, p. 782; Russell to Ellice, 26 Jan. 1838, E49/11; Russell to Ellice, 26 Jan. 1838, E49/15; C.P. Thomson, Memorandum, 26 Jan. 1838, E49/17; Henry Reeve, ed., *Greville Memoirs* . . . , ed. by Lytton Strachey and Roger Fulford, 8 vols., (London, 1938), Vol. 4, p. 15; Mabel Ogilvy, Countess of Airlie, *Lady Palmerston and Her Times*, 2 vols., (London, 1922), Vol. 1, p. 207.

<sup>15</sup> Russell to Melbourne, 9 December 1838, Russell Papers, Public Record Office (London), (hereafter PRO) 30/22/3C/80; Russell to Ellice, 10 Dec. 1838, E49/20; cf. J. Abercromby to Ellice, 14 Dec. 1838, El(a)/67-9; *Quarterly Review*, Vol. 63, Article IX, No. 76, (London, 1839); Ellice to Lady Holland, 24 Dec. 1838, HHP, B.M. Add. Ms. 51588/148; Ellice to Mrs. Dawson Damer, 29 Dec. 1838, E8/19.

<sup>16</sup> Ellice to Durham, [?] Jan. 1839], LP; Ellice to Lady Holland, [n.d.], B.M. Add. Ms. 51588/143.

<sup>17</sup> Ellice to Howick, 7 Jan. 1839, GP; Ellice to [Russell], 7 Jan. 1839, PRO 30/22/3A/41; New, *Durham*, p. 464.

<sup>18</sup> Ellice to Gerrard, 24 July 1838, E85/113

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Ellice to E. Ellice, Jr., 9 Aug. 1838, E61/119.

<sup>24</sup> Ellice to Durham, 20 Sept. 1838, LP.

<sup>25</sup> Melbourne to Ellice, 1 Oct. 1838, E28/91.

<sup>26</sup> E. Ellice, Jr. to Ellice, 6 & 11 Oct. 1838, E64/82 & 87; also same to same, 25 Oct. 1838, E64/89; Russell to [Melbourne?], 25 Oct. 1838, PRO 30/22/3B/337; Gerrard to Ellice, 18 Nov. & 19 Dec. 1838, E85/109 and 126.

<sup>27</sup> Ellice to Melbourne, 13 Nov. 1838, Melbourne Papers, Box 102; Melbourne to Russell, 19 Dec. 1838, L.C. Sanders, ed., *Lord Melbourne's Papers*, (London, 1889), p. 443.

<sup>28</sup> Russell to Ellice, 24 Dec. 1838, E49/24.

<sup>29</sup> The copy referred to herein is from *Confidential Prints*, CO 880/1 located at the PRO. Copies are also to be found in the Grey Papers at Durham, Box 142, folio 109 and in PAC, MG 24 A 10, Vol. 39, "Subject Files".

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> Ellice to Durham, [8] Jan. 1839; Durham to Ellice, 18 Jan. 1839; Ellice to Durham, 20 Jan. 1839, all LP.

<sup>33</sup> New, *Durham*, Appendix and p. 489.

<sup>34</sup> *Ibid.*, p. 489.

<sup>35</sup> See R.G. Trotter, "Durham and the Idea of a Federal Union of British North America", C.H.A. *Report*, (1925), pp. 55-64; J.A. Roebuck, *The Colonies of England: A Plan*

*for the Government of Some Portion of our Colonial Dominions*, (London, 1849); Charles Buller, "Sketch of Lord Durham's Mission", (1841), reprinted in the Calendar for the Durham Papers, PAC Report, (1923) and found in PAC, MG 24 A 27, VI/3/578ff.; G.M. Wrong, *Charles Buller and Responsible Government*, (Oxford, 1926); New, *Durham*, p. 412.

<sup>36</sup> New, *Durham*, p. 489.

<sup>37</sup> *Ibid.*, pp. 460-66 and n 27, p. 464; Ellice to Melbourne, 21 Dec. 1838.

<sup>38</sup> *Durham Report*, p. 308; cf. Ellice's "Suggestions . . ." *passim*.

<sup>39</sup> *Durham Report*, p. 287, p. 324.

<sup>40</sup> *Ibid.*, p. 327.

<sup>41</sup> *Ibid.*, p. 326.

<sup>42</sup> *Ibid.*, p. 288.

<sup>43</sup> *Ibid.*, p. 227-8.

<sup>44</sup> *Ibid.*, p. 290, 328.

<sup>45</sup> *Ibid.*, p. 280.

<sup>46</sup> *Ibid.*, p. 309.

<sup>47</sup> New, *Durham*, p. 51.

<sup>48</sup> Colthart, "Edward Ellice and North America," p. 258.

<sup>49</sup> Grace Fox, "The Reception of Lord Durham's Report in the English Press," *C.H.R.*, Vol. 16, (Sept. 1935), p. 287.

<sup>50</sup> Ellice to E.G. Stanley, [February, 1839], Derby Papers, 117/4 (examined while the Derby Papers were in the possession of Robert Blake, Queen's College, Oxford.); Stanley to Ellice, 19 February 1839, E51/110.

<sup>51</sup> Ellice to Melbourne, 24 February 1839, CO 880/1/12; Melbourne to Ellice, 4 March 1839, E28/98.

<sup>52</sup> Ellice to Melbourne, 24 February 1839, CO 880/1/12.

<sup>53</sup> Melbourne to Ellice, 4 March 1839, E28/98; Lord Tavistock to Ellice, 7 March 1839, E 47/9; Duke of Bedford to Ellice, 14 March 1839, E48/90.

<sup>54</sup> Ellice to J.B. Robinson, 15 March 1839, Robinson Papers, PAC, MG 24 B 9, Vol. 3, p. 85.

<sup>55</sup> Grey Journal, entry for 25 March 1839, p. 1016; copy found in GP Box 142, folio 111; Howick to Ellice, 27 March 1839, GP.

<sup>56</sup> Grey Journal, entry for 29 March 1839, p. 1017; copy of the new draft, dated March 29th, is also found in GP 142/112.

<sup>57</sup> Memorandum, Lord John Russell, 28 March 1839, PRO 30/22/3C/233.

<sup>58</sup> *Ibid.*

<sup>59</sup> Lord John Russell, speech, House of Commons, 3 June 1839, *Hansard*, III/47/1254-90.

<sup>60</sup> Ellice to Durham, [May, 1839], LP.

<sup>61</sup> Grey Journal, entry for 27 May 1839, p. 1060; Ellice to Russell, 28 May 1839, PRO 30/22/3C/321.

<sup>62</sup> Ellice to Normanby, [?] June 1839, E44/77.

<sup>63</sup> Lord John Russell, speech, House of Commons, 13 June 1839, *Hans.* III/48/208-10.

<sup>64</sup> Roll Call, 16 July 1839, *Hansard*, III/49/254.

<sup>65</sup> Lord John Russell, speech, House of Commons, 28 June 1839, *Hansard* III/48/1009; Royal Assent given 17 Aug. 1839, *Hansard*, III/50/369.

<sup>66</sup> Ellice to Fox Maule, 7 Oct. 1839, Dalhousie Papers, Scottish Record Office (Edinburgh), GD 45/14/644.

<sup>67</sup> Ellice to Durham, 16 July 1839, LP.

<sup>68</sup> Thomson to Ellice, 4 August 1839, E55/35.

<sup>69</sup> Thomson to Ellice, 14 August 1839, E55/39, which mentions replies from Ellice on August 9 and 11.

<sup>70</sup> Howick to Ellice, 13 August 1839, E22/39; Ellice to Howick, 14 August 1839, GP.

<sup>71</sup> Thomson to Ellice, August 14, 1839, E55/39; Ellice to Melbourne, 6 August 1839 Melbourne Papers, Box 102; Russell to Ellice, 26 August 1839, E49/31.

<sup>72</sup> Ellice to Russell, 27 August 1839, PRO 30/22/3C/421.

<sup>73</sup> Ellice to Russell, 29 August 1839, PRO 30/20/3C/437.

<sup>74</sup> Lord John Russell, speech, House of Commons, 23 March 1840, *Hansard*, III/53/149; Baron Holland to Ellice, 24 March 1840, E14/192.

<sup>75</sup> Ellice, speech, House of Commons, 29 May 1840, *Hansard* III/54/757; 12 June 1840, *Handard* III/54/1130, and *passim.*; Ellice to Russell, 13 June 1840, Ellice to Stanley, 13 June 1840 both in Peel Papers, B.M. Add. Ms. 40428/196 & 197.

<sup>76</sup> Ellice to Lady Holland, [23 March 1840], HHP B.M. Add. Ms. 51588/167.

<sup>77</sup> See Colthart, pp. 280-284.

